

FILED 2

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

OCT 14 2005

CLERK'S OFFICE  
U.S. DISTRICT COURT  
EASTERN MICHIGAN

RONALD JAMES MACNAB,

Plaintiff,

CASE NO. 05-73087

HON. LAWRENCE P. ZATKOFF

v.

MICHIGAN DEPARTMENT OF COMMUNITY HEALTH,

Defendant.



**ORDER DISMISSING PLAINTIFF'S COMPLAINT**

This matter is before the Court on Defendant's September 15, 2005, motion to dismiss. For the reasons below, the Court GRANTS Defendant's motion.

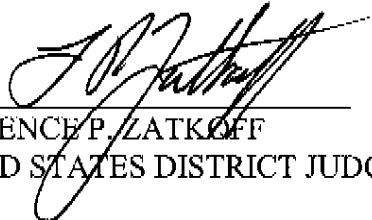
Although the issue was not raised by Defendant, the Court finds that Plaintiff's action is barred by res judicata. Courts may raise res judicata issues sua sponte in the interests of judicial economy. *Holloway Constr. Co. v. United States Dep't of Labor*, 891 F.2d 1211, 1212 (6th Cir. 1989).

Plaintiff's complaint is substantially identical to a complaint he previously filed. This Court dismissed Plaintiff's previous complaint as frivolous under 28 U.S.C. § 1915(e). *MacNab v. Michigan Dep't of Cmty. Health*, No. 05-72408, (E.D. Mich. July 7, 2005). A dismissal under § 1915(e) "constitutes an adjudication on the merits for purposes of res judicata." *Burton v. Cleveland Ohio Empowerment Zone*, 102 Fed. Appx. 461, 463 (6th Cir. 2004). Thus, Plaintiff is barred from re-litigating the issues contained in his previous complaint.

Therefore, Defendant's motion to dismiss is HEREBY GRANTED. Plaintiff's action is HEREBY DISMISSED with prejudice.

IT IS SO ORDERED.

Date: OCT 14 2005

  
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LAWRENCE P. LATKOFF  
UNITED STATES DISTRICT JUDGE